

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/697,619 10/26/00 ROSEN

E	D2446
EXAMINER	

MMC2/1025

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WEST ORANGE NJ 07052

ART. UNIT	PAPER NUMBER
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DATE MAILED:

10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/697,619

Applicant(s)

ROSEN ET AL.

Examiner

Tuan T Dinh

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as **--Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g).

The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Regarding figures 1-3, Examiner has a ^{reading} **hard time to read** "each element number" in each figure.

Specification

The use of the trademark "**Trans-Impedance-Amplifier**" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

Claim 1 is objected to because of the following informalities:

Line 8, reducing space between two words.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 4, it is unclear. The phrase of "...an electrical component device...removably retained" is not understood. What is meant of "an electrical component device to be removably retained".

Regarding claim 1, line 7, it is unclear. What does "its" refer to?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Van Lerberghe (U. S. Patent 6,151,221).

As best understood to claim 1, Van Lerberghe discloses a bracket (7, column 3, line 4) for mounting an electrical component device (5, column 2, line 65) as shown in figures 1-2 comprising:

a first end having a substantially semi-circular shape (13-figure 2a) and an inner and outer surface, whereby said inner surface and said substantially semi-circular shape permit an electrical component device to be removably attached thereon;

a second end (part of leg 24-figure 2b); and

a shaft (23-figure 2b) connecting said first and second ends (see figure 2b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lerberghe in view of Prior Art (PA, reference cited by applicant)).

As to claims 2 and 3, Van Lerberghe discloses the limitations of claimed invention; except for an electrical component device is photodiode or a laser. PA shows an electrical component which is a photodiode or a laser (102) disclosed in figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the photodiode or laser as taught by PA to modify the component of Van Lerberghe in order to provide an indicator (light or LED) for a circuit board.

As to claim 4, Van Lerberghe does not disclose said shaft and said first and second ends are comprised of aluminum.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use aluminum material to modify the bracket material of Van Lerberghe in order to reduce weight and ^{lessen} ~~less~~ conductivity.

As to claim 5, Van Lerberghe discloses the bracket as shown in figure 2 wherein said shaft forms a right angle whereby said second end and at least one mounting point (32-figure 2c) are disposed 90 degrees relative to said first end.

As best understood to claims 6-7, Van Lerberghe discloses the bracket as shown in figure 1 further comprises a plug in circuit board (2) having a Trans-Impedance-Amplifier.

Regarding claims 8-10, the method steps are necessitated by the bracket structure as it is disclose by Van Lerberghe in view of PA.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harr, Fasano, and Harman et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3431 for regular communications and 703-308-3431 for After Final communications.

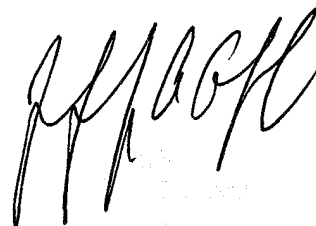
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
October 19, 2001

A handwritten signature in black ink, appearing to read "J. P. O'Connell", is written over a faint, circular official stamp. The signature is fluid and cursive.